



# MCOLES

Michigan Commission on Law Enforcement Standards

## **HB 4611**

House Bill 4611 provides necessary state authority allowing for the implementation of the federal Law Enforcement Officers Safety Act of 2004 in Michigan.

### **BACKGROUND**

The Law Enforcement Officers Safety Act of 2004 (LEOSA) provides nation wide privileges for active and retired law enforcement officers to carry firearms. The Act requires retired officers who wish to exercise LEOSA privileges to meet the “State’s standards for training and qualification for active law enforcement officers to carry firearms.” In the absence of a state standard, LEOSA privileges have been inaccessible to law enforcement retirees in Michigan. This impasse has generated numerous inquiries and requests from retired officers and their political representatives.

Over the past three years, the Commission has examined what type of role, if any, it might play in rectifying this situation. The feasibility and worth of a statewide firearm standard for incumbent law enforcement officers has been examined in detail. Satisfied that a meaningful standard for active officers would be advisable, the Commission’s action of June 6, 2006 directed MCOLES staff to propose options for an in-service firearm standard at the September meeting. As a result, a prototype in-service firearm standard was developed and has been presented to various law enforcement groups across the state, with very positive reviews. The standard is currently undergoing formal pilot testing.

### **INFORMATION**

In order to implement LEOSA for Michigan law enforcement retirees, a legislative initiative has been recommended to provide MCOLES with authority to carry out LEOSA requirements. MCOLES legal counsel and staff have identified the components of authority that would ideally be encompassed in enabling legislation. These appear in the listing below and are encompassed in HB4611.

- Empowerment of MCOLES to implement a certification process for retired law enforcement officers to carry firearms as set forth in LEOSA.
- Provide authority for MCOLES to issue or deny issuance of certification required by LEOSA.
- Provide authority for MCOLES to issue identification required by LEOSA when the responsible law enforcement agency has approved eligibility and is unable to comply with this LEOSA requirement.
- Identify conditions that would be grounds to deny LEOSA certification or that would render a certification issued by MCOLES, pursuant to LEOSA, null and void.
  - ✓ Commission of fraud or making false statements on a LEOSA application.
  - ✓ Pending criminal charges or conviction of any criminal offense with a penalty exceeding one year.
  - ✓ A restraining order or personal protection order.
  - ✓ A finding of mental or emotional instability.
- Provide authority for the recovery of expenses associated with the administration of LEOSA.
- Provide authority for MCOLES to designate what entities may administer the standard for the purpose of carrying out the intent of LEOSA.
- Provide immunity from civil liability for MCOLES, its agents, and other government entities that are discharging their responsibilities pursuant to LEOSA.
- Provide authority for MCOLES and its agents to conduct criminal history inquiries on qualified retired law enforcement officers who are seeking MCOLES certification pursuant to LEOSA.
- Provide authority for MCOLES to conduct investigation of alleged violations of law or administrative rules in relation to its responsibilities under LEOSA and associated state law.

## **CONCLUSION**

We believe that HB 4611 will allow the full intent of LEOSA to be realized in Michigan while at the same time providing controls that would prevent abuse of LEOSA privileges.